

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

April 28, 2021

1:48 p.m.

MEMBERS PRESENT

Representative Josiah Patkotak, Chair
Representative Grier Hopkins, Vice Chair
Representative Zack Fields
Representative Calvin Schrage
Representative Sara Hannan
Representative George Rauscher
Representative Mike Cronk
Representative Ronald Gillham
Representative Tom McKay

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 98

"An Act relating to forest land use plans; relating to forest land use plan appeals; relating to negotiated timber sales; and providing for an effective date."

- MOVED CSHB 98(RES) OUT OF COMMITTEE

HOUSE BILL NO. 171

"An Act relating to pollutants; relating to perfluoroalkyl and polyfluoroalkyl substances; relating to the duties of the Department of Environmental Conservation; relating to firefighting substances; relating to thermal remediation of perfluoroalkyl and polyfluoroalkyl substance contamination; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 98

SHORT TITLE: FOREST LAND USE PLANS; TIMBER SALES

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/18/21 (H) READ THE FIRST TIME - REFERRALS

02/18/21	(H)	RES, FIN
03/12/21	(H)	RES AT 1:00 PM BARNES 124
03/12/21	(H)	Heard & Held
03/12/21	(H)	MINUTE(RES)
03/19/21	(H)	RES AT 1:00 PM BARNES 124
03/19/21	(H)	<Bill Hearing Canceled>
04/14/21	(H)	RES AT 1:00 PM BARNES 124
04/14/21	(H)	Heard & Held
04/14/21	(H)	MINUTE(RES)
04/19/21	(H)	RES AT 1:00 PM BARNES 124
04/19/21	(H)	Heard & Held
04/19/21	(H)	MINUTE(RES)
04/22/21	(H)	RES WAIVED PUBLIC HEARING NOTICE, RULE 23(A) UC
04/23/21	(H)	RES AT 10:30 AM BARNES 124
04/23/21	(H)	Heard & Held
04/23/21	(H)	MINUTE(RES)
04/23/21	(H)	RES AT 1:00 PM BARNES 124
04/23/21	(H)	-- MEETING CANCELED --
04/28/21	(H)	RES AT 1:00 PM BARNES 124

BILL: HB 171

SHORT TITLE: PFAS USE & REMEDIATION; FIRE/WATER SAFETY

SPONSOR(s): HANNAN

04/12/21	(H)	READ THE FIRST TIME - REFERRALS
04/12/21	(H)	RES, FIN
04/26/21	(H)	RES AT 1:00 PM BARNES 124
04/26/21	(H)	Heard & Held
04/26/21	(H)	MINUTE(RES)
04/28/21	(H)	RES AT 1:00 PM BARNES 124

WITNESS REGISTER

GRACE ERVINE, Staff
Representative Josiah Patkotak
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided information during the hearing on HB 98.

TIM DABNEY, Acting State Forester/Acting Director
Division of Forestry (DOF)
Department of Natural Resources (DNR)
Anchorage, Alaska

POSITION STATEMENT: Provided information and answered questions during the hearing on HB 98.

TIM CLARK, Staff
Representative Sara Hannan
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided information and answered questions during the hearing on HB 171 on behalf of Representative Hannan, prime sponsor.

RANDY KRAUSE, Fire Chief
Seattle-Tacoma International Airport
Port of Seattle
Seattle, Washington

POSITION STATEMENT: Provided information and answered questions during the hearing on HB 171.

ACTION NARRATIVE

[1:48:14 PM](#)

CHAIR JOSIAH PATKOTAK called the House Resources Standing Committee meeting to order at 1:48 p.m. Representatives Schrage, Gillham, Hannan, McKay, Fields, Cronk, Hopkins, and Patkotak were present at the call to order. Representative Rauscher arrived as the meeting was in progress.

HB 98-FOREST LAND USE PLANS; TIMBER SALES

[1:49:00 PM](#)

CHAIR PATKOTAK announced that the first order of business would be HOUSE BILL NO. 98, "An Act relating to forest land use plans; relating to forest land use plan appeals; relating to negotiated timber sales; and providing for an effective date."

CHAIR PATKOTAK announced that the committee had completed the amendment process at its 4/24/21 hearing on HB 98, and Legislative Legal and Research Services had drafted a document incorporating those changes, a proposed committee substitute (CS) for HB 98, Version 32-GH1607\B, Radford, 4/26/21 ("Version B").

[1:49:35 PM](#)

GRACE ERVINE, Staff, Representative Josiah Patkotak, Alaska State Legislature, reviewed the Summary of Changes from the

original version of HB 98 to Version B, which read as follows [original punctuation provided]:

Section One: Uncodified Law Includes new legislative intent.

Section Three: 38.05.110 (c) Adds language requiring the commissioner to consider detrimental effects on the surrounding environment and effects on wildlife habitat of a timber sale when determining applicable provisions under which to offer timber.

Section Nine: 38.05.118 Adds new subsection (e) allowing the commissioner to require a purchaser provide additional analysis and/or retain a consultant to provide needed financial or technical data to complete a best interest finding for a sale.

Section Twelve: 41.15.030 (b) Removes language prohibiting general fund appropriations to be used for emergency firefighting personnel engaged in nonemergency activities.

Section Fourteen: Repealer Section Deletes reference to AS 38.05.123(g) from the list of repealed sections.

[1:52:10 PM](#)

REPRESENTATIVE CRONK, directing his question to Mr. Dabney, asked whether Section 3 of Version B is already in the Forest Resources and Practices Act (FRPA).

[1:52:40 PM](#)

TIM DABNEY, Acting State Forester/Acting Director, Division of Forestry (DOF), Department of Natural Resources (DNR), explained that the language in question lists the factors to be considered when deciding on a negotiated sale, rather than being associated with environmental issues. He said there are other areas in HB 98 covering environmental issues that are also covered by FRPA. Mr. Dabney, in providing closing comments on HB 98, said that Version B is acceptable to DOF.

[1:54:43 PM](#)

REPRESENTATIVE FIELDS said that he would not support HB 98 without language regarding hiring Alaska residents. He opined

that streamlining a process to benefit multinational companies without ensuring local benefits does not meet the constitutional mandate to maximize benefits for Alaskans.

[1:56:43 PM](#)

MR. DABNEY said that he hoped to have the support of committee members.

[1:57:26 PM](#)

[Although no motion had been stated, the committee treated Version B as having been adopted and, thus, before the committee as a working document.]

REPRESENTATIVE HOPKINS moved to report CSHB 98, Version 32-GH1607\B, Radford, 4/26/21, out of committee with individual recommendations and the accompanying zero fiscal note.

[1:57:41 PM](#)

REPRESENTATIVE FIELDS objected.

[1:58:09 PM](#)

A roll call vote was taken. Representatives McKay, Cronk, Rauscher, Gillham, and Patkotak voted in favor of the motion to move CSHB 98, Version 32-GH1607\B, Radford, 4/26/21, out of committee with individual recommendations and the accompanying zero fiscal note. Representatives Fields, Hopkins, Hannan, and Schrage voted against it. Therefore, CSHB 98(RES) was reported out of the House Resources Standing Committee by a vote of 5-4.

[1:58:45 PM](#)

The committee took an at-ease from 1:59 p.m. to 2:01 p.m.

HB 171-PFAS USE & REMEDIATION; FIRE/WATER SAFETY

[2:01:54 PM](#)

CHAIR PATKOTAK announced that the final order of business would be HOUSE BILL NO. 171, "An Act relating to pollutants; relating to perfluoroalkyl and polyfluoroalkyl substances; relating to the duties of the Department of Environmental Conservation; relating to firefighting substances; relating to thermal

remediation of perfluoroalkyl and polyfluoroalkyl substance contamination; and providing for an effective date."

2:02:39 PM

TIM CLARK, Staff, Representative Sara Hannan, Alaska State Legislature, on behalf of Representative Hannan, prime sponsor of HB 171, noted that the committee packet included the full report from the Michigan Science Advisory Workgroup with methodology for setting maximum allowable levels of perfluoroalkyl substances (PFAS), as well as the basis for the language in HB 171 specifying the seven PFAS compounds to be regulated. He explained that, with regard to the text of AS 46.03.345(a), the action described is the regulatory practice within the Department of Environmental Conservation (DEC), so the proposed legislation could be characterized as codifying that practice.

2:06:06 PM

RANDY KRAUSE, Fire Chief, Seattle-Tacoma International Airport, Port of Seattle, said that the Port of Seattle has been working with partners at the Federal Aviation Administration (FAA) to implement the use of a fluorine-free firefighting foam. He said that, while federal law currently requires the use of firefighting foam that includes PFAS chemicals, the airport director has urged FAA to aggressively pursue a fluorine-free option. The FAA Reauthorization Act of 2018 requires the evaluation and implementation of fluorine-free foam by October 2021, which many airports around the world have already done. He said that he has observed the use of fluorine-free foam with "great success" and is confident that FAA will reach a solution by the October deadline.

2:08:30 PM

REPRESENTATIVE FIELDS asked for more detail on the different types of firefighting foam.

MR. KRAUSE explained that many other countries have switched to fluorine-free products with "great success" both in performance and the ability to effectively mitigate fires. He said that he sits on an advisory panel for FAA and that various products are being tested.

2:10:00 PM

REPRESENTATIVE HANNAN asked Mr. Krause to discuss the characteristics of oil and gas fires and possible developments in using fluorine-free products for that industry.

MR. KRAUSE said that the foam containing fluorine is a very robust and effective product. He explained that fires at airports are surface fires, rather than the deep-seated fires one would find in the oil and gas industry, and that in his opinion, the fluorine-based products are "over designed" for airport use. He expressed his understanding that the deeper penetration of the fluorine-based foam is preferable for the "plunge" fires in an oil or gas field. He then noted that a company called LASTFIRE (Large Atmospheric Storage Tank Fires) is seeing success in the development of fluorine-free products. In response to Chair Patkotak, he said he would provide contact information for LASTFIRE to the sponsor's staff.

[2:15:49 PM](#)

REPRESENTATIVE HANNAN thanked committee members and noted the complexity of the issue of PFAS pollution.

[2:16:59 PM](#)

REPRESENTATIVE GILLHAM asked how the PFAS concentration cutoff of eight parts per trillion was chosen.

MR. CLARK explained that the Michigan Science Advisory Task Force was assembled in 2018 and went through peer-reviewed studies on PFAS to arrive at the concentration limit.

[2:18:15 PM](#)

CHAIR PATKOTAK asked about the distinction between the Michigan PFAS Action Response Team and the Michigan Science Advisory Task Force.

REPRESENTATIVE MCKAY interjected that the Michigan PFAS Action Response Team is referred to as MPART.

MR. CLARK said that MPART and the Michigan Science Advisory Task Force are both initiatives by the state government.

[2:20:09 PM](#)

REPRESENTATIVE MCKAY said that the committee hasn't heard testimony from DEC or the Department of Transportation and

Public Facilities (DOT&PF), and has heard expert testimony only from sources in Michigan and Seattle. He said he would like information from Alaska's state toxicologist, if there is one, and the state fire marshal.

CHAIR PATKOTAK noted that representatives from the Department of Health and Social Services (DHSS) and DOT&PF have been in both hearings.

MR. CLARK said that testimony from experts in state agencies was heard during the Thirty-First Alaska State Legislature and that there would be opportunity for further testimony.

[2:23:00 PM](#)

REPRESENTATIVE CRONK said that he thinks it would be helpful to be in contact with DEC.

[2:24:06 PM](#)

REPRESENTATIVE GILLHAM said he would like to find out at the next scheduled bill hearing about the current concentration of PFAS in the affected areas within Alaska.

[HB 171 was held over.]

HB 98-FOREST LAND USE PLANS; TIMBER SALES

[2:24:24 PM](#)(

REPRESENTATIVE SCHRAGE gave notice of reconsideration on his vote on CSHB 98(RES).

[2:24:44 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 2:25 p.m.